

### **REMARKS**

Claims 13 and 20-22 are amended. No new subject matter is added. Claims 1-22 remain pending in the application. Reconsideration and allowance of the pending claims is requested in light of the following remarks.

#### ***In the Claims***

Claim 13 is amended so that "relevancy indicator" is instead "relevance indicator," which is consistent with claim 11.

Claim 20 is modified so that "a modified context-sensitive query" is instead "a modified context-sensitive search query."

The amendment of claim 21 is fully supported by the original application at, e.g., claim 21.

The amendment of claim 22 is fully supported by the original application at, e.g., claims 21 and 22.

#### ***In the Specification***

The Office Action includes a check mark in the box labeled "The specification is objected to by the Examiner." The Office Action includes form paragraph 6.02 from MPEP 608.01(a), which includes suggested guidelines for the preferred layout for the specification of a utility application. Although it is not stated, the specification is apparently objected to because it does not follow the preferred layout as described in form paragraph 6.02.

The applicant notes that form paragraph 6.02 is merely a *suggestion* for the *preferred* layout of the utility application. Keeping in mind the difference between the words "must" (mandatory) and "should" (optional), the specification is in full compliance with 37 C.F.R. 1.71-1.77, and the objection to the specification is overcome.

#### ***Claim Rejections – 35 USC § 103***

Claims 1, 2, 4, 5, 6-9, 12, 13, 16, 19 and 22 are rejected under 35 USC 103(a) as being unpatentable over U.S. Pat. No. 6,785,670 to Chiang et al. ("Chiang") in view of U.S. Pat. No. 6,601,075 to Huang ("Huang"). The applicant disagrees.

Regarding claim 1, the claim recites “determining a context of the first term with respect to the first document.” Chiang does not teach that the context of a term with respect to a document is determined. Chiang uses exclusively the search terms themselves to generate a search query, not the context of the term with respect to a document as recited in the claim. See Chiang column 10, lines 29-33.

Claim 1 further recites “choosing at least two documents that *contain* the first term.” Chiang teaches that results are returned to web documents “related to search terms” (column 9, lines 13-15). Results that *contain* the search terms, as recited in the claim, are not the same as results *related* to the search terms, as recited in Chiang.

As recognized by the Office Action, Chiang does not teach ranking of search results. While Huang does teach ranking of search results, contrary to claim 1 Huang fails to teach or suggest ranking the at least two documents that contain the first term according to how closely a context of the first term with respect to the at least two documents matches the context of the first term with respect to the first document.

Huang instead teaches the ranking of search results based on a document’s authority (i.e., quality or reliability of search results) and hub scores (column 4, lines 8-10). A document that is a good authority contains definitive information about a search topic (Huang; column 2, lines 1-2; column 4, lines 12-13). A document that is a good hub links to a large number of documents that are good authorities (Huang; column 2, lines 3-5; column 4, lines 13-15). Therefore, Huang’s ranking of search results based on a document’s authority and hub scores is not equivalent to ranking the at least two documents according to context as recited in claim 1.

For the reasons stated above, the combination of Chiang and Huang fails to establish *prima facie* obviousness for claim 1 because it does not teach or suggest all of the features recited in the claim. MPEP 2143.03.

Claims 2, 4, 5, and 6-9 depend from claim 1, and inherently contain the features of claim 1. Consequently, claims 2, 4, 5, and 6-9 are allowable over the combination of Chiang and Huang at least because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

Further regarding claim 4, the claim recites associating first and second modifiers with the search terms. Chiang does not teach this feature. The Office Action proposes that generating

a “pick list” of terms from a retrieved document in Chiang is equivalent to associating modifiers to search terms in the source document recited in the claim.

The most obvious problem, amongst several, with this equivalency is that the “pick list” of Chiang is generated from the retrieved documents while the modifiers in the claim are based on the source document. Huang does not remedy this deficiency, as Huang does not teach associating modifiers to search terms. For this additional reason, claim 4 is allowable over the combination of Chiang and Huang. MPEP 2143.03.

Further regarding claim 5, the Office Action proposes that since the source document of Chiang might contain HTML, it is equivalent to identifying whether any structural tags exist in the document, as recited in the claim. The mere fact that a document contains HTML is not equivalent to a method comprising identifying whether structural tags exist in a document. For this additional reason, claim 5 is allowable over the combination of Chiang and Huang. MPEP 2143.03.

Regarding claim 11, the claim recites assigning a first document a complexity rating that is indicative of the complexity of the first document’s structure. The Office Action recognizes that Chiang does not teach or suggest this feature. However, the Office Action proposes that this feature is taught or suggested by Huang.

To the contrary, as discussed above for claim 1, Huang teaches a method for ranking search results based upon the document’s authority score and hub score (column 4, lines 8-10).

Huang teaches that a document is a good authority if it contains definitive information about a search topic (column 2, lines 1-2; column 4, lines 12-13). Huang says good authorities have a high authority score (column 4, lines 16-17).

Huang teaches that document is a good hub if it links to a large number of documents that are good authorities (column 2, lines 3-5; column 4, lines 13-15). Huang says good hub documents have a high hub score (column 4, lines 18-19).

Contrary to claim 11, it is apparent that neither Huang’s authority score nor Huang’s hub score is equivalent to assigning a first document a complexity rating that is indicative of the complexity of the first document’s structure.

For the above reason, the combination of Chiang and Huang fails to establish *prima facie* obviousness for claim 11 because it does not teach or suggest all the features recited in the claim. MPEP 2143.03.

Further regarding claim 11, the claim recites associating a relevance indicator with a first element that is contained within the first document. As explained above, Huang's authority score is associated with a document, not with elements within the document. Similarly, Huang's hub score is associated with a document, not with elements within the document.

For this additional reason, the combination of Chiang and Huang fails to establish *prima facie* obviousness for claim 11 because it does not teach or suggest all the features recited in the claim. MPEP 2143.03.

Claim 11 further recites finding a second document based upon the second document's complexity rating being no greater than the first document's complexity rating, based upon a relationship between the first element and the first document being the same as a relationship between a second element in the second document and the second document, and based upon the similarity between the first element and the second element.

The Office Action alleges that because Huang states that search results are ranked based on document quality (column 1, line 11), this is equivalent to finding a second document as recited in claim 11. The applicant disagrees.

Huang states that a document's authority score is indicative of the *quality* or reliability of search results (column 4, lines 10; emphasis added). As was previously explained, Huang's authority score is not equivalent to the complexity rating as recited in claim 11. As was previously explained, Huang's authority score that is assigned to an entire document is not equivalent to the relevance indicator assigned to an element within the document as recited in claim 11.

Nowhere does Huang teach or suggest that "rank[ing] search results based on document quality" (column 1, line 11) is equivalent to finding a second document based upon the second document's complexity rating being no greater than the first document's complexity rating, based upon a relationship between the first element and the first document being the same as a relationship between a second element in the second document and the second document, and based upon the similarity between the first element and the second element.

For this additional reason, the combination of Chiang and Huang fails to establish *prima facie* obviousness for claim 11 because it does not teach or suggest all the features in the claim. MPEP 2143.03.

Claims 12-17 depend from claim 11, and inherently contain the features of claim 11. Consequently, claims 12-17 are allowable over the combination of Chiang and Huang at least because any claim that depends from a nonobvious independent claim is also nonobvious.

Further regarding claim 16, the claim recites four possible complexity ratings for a document, based on the document's structure. The Office Action proposes that this feature is taught in Huang.

To the contrary, as discussed above, Huang uses a completely different ranking scheme – Huang's authority scores and hub scores are not equivalent to the recited complexity ratings. Furthermore, the ranking scheme of Huang uses only three factors (column 9, lines 26-31), rather than four ratings as recited in claim 16. For this additional reason, the combination of Chiang and Huang fail to establish *prima facie* obviousness for claim 16 because it fails to teach or suggest all the features recited in the claim. MPEP 2143.03.

Regarding claim 19, the claim depends from claim 18. Claim 18 is not rejected based upon the combination of Chiang and Huang. Consequently, claim 19 is allowable over the combination of Chiang and Huang at least because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

Regarding claim 22, the claim depends from claim 21. Claim 21 is not rejected based upon the combination of Chiang and Huang. Consequently, claim 22 is allowable over the combination of Chiang and Huang at least because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

Claims 3, 10, 18, 20 and 21 are rejected under 35 USC 103(a) as being unpatentable over Chiang in view of Huang and further in view of U.S. Pat. No. 6,374,275 to Wasilewski et al. (Wasilewski"). The applicant disagrees.

Claims 3 and 10 depend from claim 1, and inherently contain the features of claim 1. Consequently, claims 3 and 10 are allowable over the combination of Chiang, Huang, and

Wasilewski at least because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

Further regarding claim 10, the claim recites associating a modifier with the first term and with the second term that is chosen from the group consisting of more relevant, less relevant, not relevant, and exactly relevant.

The Office Action alleges that Wasilewski teaches or suggests this feature at column 8, lines 19-26. To the contrary, column 8, lines 19-26 indicates only that terms associated with those on a current document may be displayed. The cited paragraph says nothing about how modifiers are associated with a first term or a second term to begin with.

Wasilewski does indicate that terms may become associated with each other (column 7, lines 60-62). However, contrary to claim 10, Wasilewski fails to teach or suggest that the new terms that become associated with the old terms are indicative of the relevance of the old term. Also contrary to claim 10, Wasilewski fails to teach or suggest using the modifiers “more relevant,” “less relevant,” “not relevant,” and “exactly relevant.” For these additional reasons, the combination of Chiang, Huang, and Wasilewski fails to establish *prima facie* obviousness for claim 10 because it fails to teach or suggest all the features recited in the claim. MPEP 2143.03.

Regarding claim 18, the claim recites “storing a file that contains *structural* information about a document.” As the Office Action states, Wasilewski teaches storing a file that contains information about a document, but Wasilewski does not teach storing *structural* information. Wasilewski merely teaches storing the search terms from a retrieved document. See Wasilewski column 7, lines 63-67.

Claim 18 further recites “storing a modifier that indicates the relevancy of the at least one fragment in response to a second external input.” Wasilewski does not teach storing a modifier or a second external input. The process identified in the Office Action as being equivalent to these features is simply a process of associating new search terms with old search terms and does not receive a second external input. See Wasilewski column 4, line 66 through column 5, line 9.

As recognized by the Office Action, Chiang and Huang do not teach either of the features of claim 18 identified above. Consequently, the combination of Chiang, Huang, and Wasilewski fails to establish *prima facie* obviousness for claim 18 because it does not teach or suggest all of the features recited in the claim. MPEP 2143.03.

Claim 20 depends from claim 18, and inherently contains the features of claim 18. Consequently, claim 20 is allowable over the combination of Chiang, Huang, and Wasilewski at least because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

Further regarding claim 20, the Office Action recognizes that Chiang fails to teach or suggest “*forming a modified context-sensitive query* based upon the result set item fragment and the another modifier” as recited in claim 20. The Office Action has also alleged that Chiang teaches or suggests the feature of sending *the modified context-sensitive search query* to the second device that finds a second plurality of result set items conforming to the modified context-sensitive search query as recited in claim 20.

This is a logical impossibility. If Chiang fails to teach forming a modified context-sensitive query to begin with, it surely cannot teach or suggest the sending of the modified context-sensitive query to a second device as recited in the claim.

For this additional reason, the combination of Chiang, Huang, and Wasilewski fails to establish *prima facie* obviousness for claim 20 because it does not teach or suggest all the features recited in the claim. MPEP 2143.03.

Claim 21 recites associating a modifier with a text fragment in the document, and further recites that the query is responsive to the context of the text fragment and responsive to the modifier. As was explained above for claims 1 and 4, Huang does not teach that a search query is generated based on the context or modifiers of search terms in a document, as recited in the claim.

Furthermore, Wasilewski does not teach associating a text fragment in a document with a modifier based on inputs from the client system. Wasilewski does not teach modifiers applied to the search terms at all and it further doesn't teach that the functions recited in the Office Action are based on inputs from a searcher. See Wasilewski column 8, lines 1-12.

As was recognized by the Office Action, these features are not taught in the other references. Consequently, the combination of Chiang, Huang, and Wasilewski fails to establish *prima facie* obviousness for claim 21 because it does not teach or suggest all of the features recited in the claim. MPEP 2143.03.

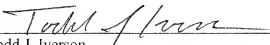
**CONCLUSION**

For the reasons presented above, reconsideration and allowance of the pending claims is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

**Customer No. 20575**

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

  
Todd J. Iverson  
Reg. No. 53,057

MARGER JOHNSON & McCOLLOM, P.C.  
210 SW Morrison Street, Suite 400  
Portland, OR 97204  
503-222-3613